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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,217	11/19/2001	Robert M. Zeidman	6257-16302	9153
35690 7590 04/16/2009 MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398				
EXAMINER				
LUU, CUONG V				
ART UNIT		PAPER NUMBER		
2128				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/044,217

Applicant(s)

ZEIDMAN, ROBERT M.

Examiner

CUONG V. LUU

Art Unit

2128

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17, 18 and 57-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17, 18 and 57-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 3/11/09
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 17-18 and 57-60 are pending. Claims 1-16, 19-56, and 61-63 have been canceled.

Claims 17-18 and 57-60 have been rejected.

Response to Arguments

1. Applicant's arguments with respect to claims 17-18 and 57-60 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 57 is objected to because of the following informalities: The claim includes a limitation labeled (c) without preceding (a) and (b). Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim is rejected under 35 USC 112, 2nd paragraph.

3. Claim 58 recites the limitation "the third computer" in "an interface in the second computer ... received from the third computer to the first computer". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17, 57, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. (U.S. Pat. 5,539,452) in view of Helmy et al. (Knowledge Based Fault Location in a Data Communication Network, CH2538—7/88/0000-1729, IEEE).

4. As per claim 17, Bush teaches a method for testing a connected system comprising:

generating a data packet using software in a first computer (col. 1 lines 20-36 and col. 20 lines 53-64. The act of transmitting data from a transmitter to a receiver indicates that data packet is generated using software);

transmitting the data packet, from the first computer, to a second communication station (col. 1 lines 20-36 and col. 20 lines 53-64);

transmitting back the data packet received by the second computer to the first computer (col. 1 lines 20-36 and col. 20 lines 53-64);

performing a comparison of the data packet received by the first computer with the data packet that was sent by the first computer (col. 1 lines 20-36 and col. 21 lines 3-5); and

reporting the results of said comparison (col. 21 lines 5-8. In these lines Bush teaches that an indication of if data sent is not data sent is determined. This teaching is regarded as reporting the results of said comparison);

However, Bush does not teach testing an electronic device under simulation connected to a network; and

transmitting at least a part of the data packet to the electronic device under simulation on the second computer through a programming language interface;

receiving at least a part of the data packet back from the electronic device under simulation through the programming language interface.

Helmy teaches or suggest:

testing an electronic device under simulation connected to a network (p. 53.4.3 col. 1 section Modeling the network and the procedures); and

transmitting at least a part of the data packet to the electronic device under simulation on the second computer through a programming language interface (p. 53.4.3 col. 1 last paragraph, col. 2 paragraphs 1-2, and Fig. 4. In these paragraphs Helmy teaches transmitting signal from the operator, meaning from first computer, to the simulated circuit. This simulated circuit is regarded as a simulated electronic device on a second computer);

receiving at least a part of the data packet back from the electronic device under simulation through the programming language interface (p. 53.4.3 col. 1 paragraph 1).

It would have been obvious to one of ordinary skill in the art to combine the teachings of Bush and Helmy. Helmy's teachings would have allowed access the potential of expert system technology for diagnostic purposes in a network (p. 53.4.1 col. 1 2nd paragraph from bottom).

5. As per claim 57, these limitations have already been discussed in claim 17. They are, therefore, rejected for the same reasons.
6. As per claim 59, the discussions in claim 17 inherit the limitations in claim 59. They are, therefore, rejected for the same reason.

Claims 18, 58, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. in view of Helmy et al., and further in view of Microsoft Press Computer Dictionary, Third Edition, 1997.

7. As per claim 18, as discussed in claim 17 Bush and Helmy teach a method for testing a system for connecting an electronic device under simulation to a network, wherein the simulation is to be carried out by software in a computer, the method comprising:
- generating a data packet using software in a first computer;
 - from the first computer, transmitting the data packet to a second computer;
 - at the second computer, transmitting at least a part of the data packet to the electronic device under simulation on the second computer through a programming language interface;
 - at the second computer, receiving at least a part of the data packet back from the electronic device under simulation through the programming language interface;
 - at the second computer, transmitting at least a part of the data packet to the electronic device under simulation on the second computer through a programming language interface;
 - at the second computer, receiving at least a part of the data packet back from the electronic device under simulation through the programming language interface;
 - at the first computer, performing a comparison the data packet received with the data packet that was sent; and
 - reporting the result of the comparison;
 - but does not teach:

at the second computer, transmitting the data packet to a third computer;
at the third computer, transmitting back the data packet received to the second computer; and

at the second computer, transmitting the data packet received from the third computer to the first computer.

Microsoft Press Computer Dictionary, 1997 pages 197, 180 (MPCD), establishes that it is well known to check for errors by detecting for discrepancies between transmitted and received data during file transfer involving multiple computers, whose teaching is regarded as involving two or more computers, (e.g. sending data from a first computer to second computer and back again, or sending data from a first computer to second computer, from second to third and back again see: "error", "error checking", "error control", page 179). Obviously, the sending (first) computer performs the check. MPCD further sets forth that it is well known to report an error message responsive to a detected discrepancy (see: "error message", page 180).

Hence a skilled artisan in the art would have knowingly implemented error reporting by the comparison of received and sent data packets as a method reporting a discrepancy in transmitted and received data involving two or more computers.

8. As per claim 58, the discussions in claim 18 inherit the limitations in claim 58. They are, therefore, rejected for the same reason.
9. As per claim 60, the discussions in claim 17 inherit the limitations in claim 59. They are, therefore, rejected for the same reason.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cuong V. Luu whose telephone number is 571-272-8572. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah, can be reached on 571-272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. An inquiry of a general nature or relating to the status of this application should be directed to the TC2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cuong V Luu/

Examiner, Art Unit 2128

/Hugh Jones/

Primary Examiner, Art Unit 2128